



U.S. Department of Justice

United States Attorney
Southern District of New York

MEMO ENDORSED

86 Chambers Street
New York, New York 10007

October 30, 2024

Via ECF

Honorable Dale E. Ho
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Knight First Amendment Institute at Columbia Univ. v. U.S. Dep't of State et al.*,
22 Civ. 3003 (DEH)

Dear Judge Ho:

This Office represents defendants the U.S. Department of State (“State”), the U.S. Department of Homeland Security (“DHS”), and the Office of the Director of National Intelligence (“ODNI,” and collectively with State and DHS, “Defendants” or the “Agencies”) in the above-referenced case brought by plaintiff Knight First Amendment Institute at Columbia University (“Plaintiff”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

I write respectfully on behalf of both parties to provide a status update pursuant to the Court’s order dated October 1, 2024, Dkt. No. 55.

As noted in the parties’ last joint status report, Dkt. No. 54, the parties are engaged in discussions to attempt to potentially narrow or resolve disputed issues. Plaintiff requested additional information from the Agencies concerning certain of Defendants’ withholdings from the records produced in response to Plaintiff’s FOIA request. The status of each of the Agencies’ responses is as follows:

- **ODNI:** ODNI has now responded to all of Plaintiff’s queries about its production.
- **State:** State continues to prepare its response to Plaintiff’s queries regarding its productions in response to the FOIA request, and anticipates an initial response by the end of this week.
- **DHS:** The parties have conferred about the scope of DHS’s search and have agreed that DHS will refer Plaintiff’s FOIA request to DHS components U.S. Customs and Border Protection (“CBP”), U.S. Citizenship and Immigration Service (“USCIS”), Immigration and Customs Enforcement (“ICE”), and the Transportation Security Administration (“TSA”), which will issue their responses directly to Plaintiff.

Plaintiff has committed to work with these components to streamline the request where possible, and the parties have agreed to work together to negotiate a reasonable

production schedule for any responsive records located. Further, the parties agree that duplicate copies of records already produced by DHS or another agency in response to Plaintiff's FOIA request do not need to be separately processed by CBP, USCIS, ICE, and TSA, except for copies of the report prepared pursuant to Presidential Proclamation 10141. Additionally, CBP, USCIS, ICE, and TSA reserve all rights to contest whether and to what extent attorneys' fees relating to the referred request are appropriate.

DHS has otherwise responded to all of Plaintiff's queries about its production.

The parties respectfully propose to provide another status update by January 15, 2025. By that time, CBP, USCIS, ICE, and TSA will endeavor to complete their search for records and inform Plaintiff of the number of responsive records they have identified. The parties will also work to negotiate a reasonable production schedule by that time. If, by January 15, 2025, the parties agree on a production schedule, they will jointly propose said schedule; if they are unable to agree, they will put forward their respective proposals to the Court. During this time, the parties will also continue to confer regarding the Plaintiff's questions directed to State.

We thank the Court for its consideration of this matter.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/ Samuel Dolinger
SAMUEL DOLINGER
Assistant United States Attorneys
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2677
samuel.dolinger@usdoj.gov

cc: Counsel of record (via ECF)

The parties shall provide a status update by January 15, 2025.

SO ORDERED.



Dale E. Ho
United States District Judge
Dated: October 31, 2024
New York, New York